

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISIDITION
WRIT PETITION NO.5129 OF 2001

Lahanu Gyanu Kedare and
Ors. ..Petitioners

Vs.

Shri.Devidas @ Balu Kisan
Kedare and Ors. ..Respondents

.....
Mr.G.R.Rege with Mr.S.M.Railkar for Petitioners
Mr.S.G.Karandikar for respondent no.1
.....

CORAM : B.H.MARLAPALLE, J.
DATE : MARCH 21, 2005

P.C.:

1. Heard Mr.G.R.Rege, the learned counsel for the petitioners and Mr.Karandikar, the learned counsel for the respondent no.1.

2. This petition filed under Article 227 of the Constitution of India takes an exception to the order dated 2.6.2001 passed by the Minister of State for Revenue, Govt. of Maharashtra in a review petition filed by the present respondent no.1.

3. The Secretary and Officer on Special Duty (Appeals) by his judgment and order dated 14.6.1999 had decided the revision application filed by the present petitioner and by the said order, the order passed by the Dy.Director of Land Records in an appeal on 30.1.1997 was set aside. Instead of challenging the said order on merits, it appears that the present respondent no.1 presented a review

petition before the State Govt. and the said review petition was heard and decided by the Minister of State for Revenue on 2.6.2001.

4. This petition can be therefore, disposed of by directing the review petition to be decided by the very same authority who decided the original revision application. It is well settled that the review petition has to be decided by the same authority whose order is sought to be reviewed in a subsequent application. It was not legally permissible for the Minister of State for revenue to decide the review petition and it ought to have been heard and decided by the Secretary and Officer on Special Duty (Appeals) in the Department of Forest and Revenue, Govt. of Maharashtra.

5. Hence, the impugned order dated 2.6.2001 is hereby quashed and set aside and the review application filed by the present respondent no.1 is hereby restored to the file of the Secretary and Officer on Special Duty (Appeals) and it is directed that the same shall be heard and decided by the very same authority on its own merits and as expeditiously as possible and preferably within a period of eight weeks from the receipt of writ.

6. Writ to go forthwith.

7. Certified copy expedited.

[B.H.MARLAPALLE, J.]